

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil Action No. 1:20-cv-00041-MR**

**THOSE CERTAIN UNDERWRITERS
AT LLOYD’S, LONDON, subscribing
to Certificate No. 492252,**

Plaintiffs,

v.

**MEDICAL FUSION, LLC, a North
Carolina limited liability company;
SUPERIOR HEALTHCARE
PHYSICAL MEDICINE OF
HENDERSONVILLE, PC, a dissolved
North Carolina professional
corporation; JEFFREY G. HEDGES,
D.C.; and ANDREW WELLS, D.C.;**

Defendants.

**DEFAULT JUDGMENT AS TO
SUPERIOR HEALTHCARE
PHYSICAL MEDICINE OF
HENDERSONVILLE, PC**

THIS MATTER IS BEFORE THE COURT on the Plaintiffs’ Motion for Default Judgment as to Defendant Superior Healthcare Physical Medicine of Hendersonville, PC (the “Defaulting Defendant”). [Doc. 48].

Having considered the motion and the entire record, the Court enters the following Order granting the motion and entering Default Judgment against the Defaulting Defendant identified above as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. This Court has personal jurisdiction over the Defaulting Defendant and the subject matter of this action. Venue is proper in the Western District of North Carolina.

2. The Defaulting Defendant identified above was properly served with a summons and a copy of the Complaint pursuant to Fed. R. Civ. P. 4. Thus, this Defendant has proper notice of this action.

3. As of the date of this Order, the Defaulting Defendant has failed to answer or otherwise file a responsive pleading to the Complaint as required by the Federal Rules of Civil Procedure.

4. The Clerk entered default against the Defaulting Defendant on April 9, 2020. [Doc. 20].

5. By virtue of the default and failure to respond, the Defaulting Defendant, identified above, is deemed to have admitted the allegations of the Complaint, and the Plaintiffs have established the propriety of the relief sought against the Defaulting Defendant. Accordingly, the Court will enter the Plaintiffs' requested declaratory relief as set forth below, pursuant to 28 U.S.C. § 2201 *et seq.*

Accordingly, **IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED** that the Plaintiffs' Motion for Default Judgment [Doc. 48] is

GRANTED, and Default Judgment is hereby entered against Defendant Superior Healthcare Physical Medicine of Hendersonville, PC as follows:

1. The Court hereby declares that allegations contained in the Government's Intervention Complaint at 5:16-CV-127-BO do not trigger a duty to defend or indemnify the Defaulting Defendant under the e-MD®/MEDEFENSE® Plus Coverage, Certificate No. 492252 ("the Policy") issued by Plaintiffs to Defendant Superior Healthcare Physical Medicine of Hendersonville, PC, nor does it otherwise trigger coverage thereunder as to the Defaulting Defendant;

2. The Court hereby declares that the Policy is rescinded based on the material misrepresentations made in the application therefor by Defendant Superior Healthcare Physical Medicine of Hendersonville, PC;

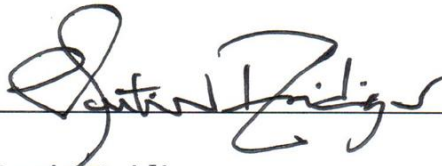
3. The Court hereby declares the Policy to be null and void pursuant to Paragraph 26 of the Policy; and

4. The Court hereby declares the Policy to be forfeited pursuant to Paragraph 27 of the Policy.

Further, there being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Clerk is directed to enter this Default Judgment forthwith and without further notice.

Signed: August 18, 2023

IT IS SO ORDERED.



Martin Reidinger
Chief United States District Judge

